

BORA LASKIN LAW LIBRARY



3 1761 10084274 9

Store
KF
410
S9
1974

Swan, John
Conflict of laws. Course
materials, 1974-75

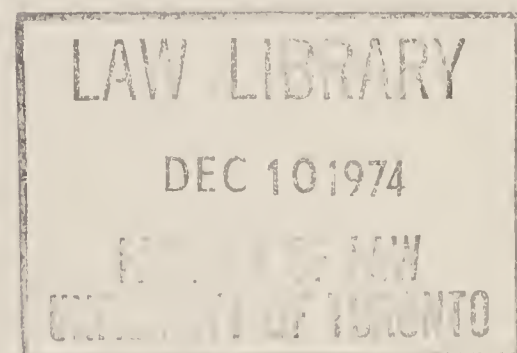
Store
KF
410
S9
1974

CONFLICT OF LAWS

COURSE MATERIALS

1974-75

PROFESSOR JOHN SWAN



PART I.

TABLE OF CONTENTS

CONFLICTS

Introduction	1
--------------------	---

CONTRACTS

Etler v. Kertesz	3
The Assunzione	10
Ross v. McMullen	17
Sharn v. Babchuk	21
Vita Foods Products v. Unus Shipping Co.	25
Bondholders Securities Corporation v. Manville	35
Charron v. Montreal Trust	39
Imperial Life Assurance Co. v. Colmenares	42
D'Almeida Araujo v. Becker & Co. Ltd.	47
Dicey and Morris, Statement of the Rules	53
Restatement. Second. Conflict of Laws	57
Cavers. The Choice of Law Process, 1965. Principles of Preference	59
Weintraub. Commentary on the Conflict of Laws	59
Lilienthal v. Kaufman	60
Bernkrant v. Fowler	67
Ralli Bros. v. Compania Naviera	71
Reggazoni v. Sethia	75



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

CONFLICTS

INTRODUCTION

The subject matter of conflicts consists of cases with geographically complex fact situations. For example, a case which involved a contract for the sale of goods from Montreal to Toronto would be a conflicts case since the facts of the case straddle two political divisions of Canada, Quebec and Ontario. So too a case involving the recognition of a foreign (i.e., outside Ontario or Canada) divorce decree is a conflicts case. In theory, the problems of conflicts can come up in any private law field; contracts, torts, property, family, succession and so on. Simply because our time is limited, we shall have to confine our examination to a few selected areas where conflicts cases are fairly common.

An understanding of conflicts involves principally our understanding of an approach to the problem. Unfortunately for you there are at the moment a great many warring theories concerning the appropriate approach to conflicts problems. I have my own point of view which I shall certainly state, but I shall do my best to explain the other theories as sympathetically as I can. Though I have said that you are unfortunate in facing the task of understanding conflicts problems when there are several theories competing for attention and understanding, yet, in many ways this can be a very exciting exploration into some of the most thought provoking problems of the law.

